

**MEETING OF APRIL 4, 2006**

**AGENDA ITEM NO. 6C**



Application I.D.: 2000-1085

Application Type: Hillside Road Improvement Plan and Mitigated Negative Declaration

Location: 2800 block of Monte Cresta Drive

Applicant/Owners: Damon Campbell

APN: Adjacent to 043-243-340, 043-165-180 and 043-242-210

Zoning: Roadway: Public Roadway  
Adjacent Parcels: HRO-2 - Hillside Residential and Open Space, R-1B – Single-Family Residential

General Plan Designation: Roadway: Public Roadway  
HROP - Hillside Residential and Open Space  
(San Juan Hills Area Plan)

Environmental Determination: Mitigated Negative Declaration

**PROJECT SUMMARY**

The applicant has proposed constructing an approximately 104-foot long, two-lane road segment extension of Monte Cresta Drive from its existing terminus approximately 1,000 feet northwest of Barclay Way and below (south of) All View Way in the San Juan Hills area of the City of Belmont. The project location is shown on Attachment 2, Project Location Map. The site is currently an unimproved roadway/pathway primarily used by local residents as an open-space recreational trail. According to Section 7-13 of the Belmont Municipal Code (BMC) and the San Juan Hills Area Plan, a road improvement plan is required to be approved by the City Council to "...ensure adequate emergency access, public safety and drainage improvements"(BMC Section 7-13(e)(9)).

The following is a summary of the proposed roadway improvements and the roadway requirements of Section 7-13(e) Table 2 of the Belmont Municipal Code.

	Roadway Width	Travel Lane Width (each)	Parking Lanes (each)	Curb and Gutter (each)	Sidewalk
Required	39'	10'	5.5'	2'	4' (one)
Proposed	39'	12'	5.5'	2'	4'(one)

**RECOMMENDATION**

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Staff recommends the Planning Commission assess the information provided and/or request additional research the Commission may deem necessary. Should the Commission believe the information provided sufficiently addresses previous Commission questions/concerns, staff recommends the Planning Commission take the following action:

1. Direct staff to prepare a resolution with findings recommending City Council **denial** of the requested:
  - Mitigated Negative Declaration
  - Hillside Roadway Improvement Plan

Alternatively, the Commission may, following the hearing, direct staff to prepare an alternative resolution of action (recommended approval of the subject entitlements).

### **GENERAL PLAN AND ZONING CODE DESIGNATIONS**

The project site is located in a hillside residential area of the San Juan Hills area of Belmont. Lands to the north, west and south of the road segment are primarily undeveloped residentially designated parcels zoned HRO-2, which would be subject to the requirements of Measure F, should an increased density or smaller minimum lot size than the current requirements outlined for the HRO zoning districts be sought. The paved portion of Monte Cresta Drive to the south of the project site has been developed with hillside residences and the area is zoned R-1/B. The General Plan identifies the previously developed residential properties to the east of the road segment as Low-Density Residential (RL).

According to Section 4.7 of the City of Belmont Zoning Code, one-family residences are permitted in the HRO-2 District. The Belmont General Plan identifies the land use on the subject property as Hillside Residential and Open Space (HROP). The subject property falls under the purview of the San Juan Hills Area Plan. According to the General Plan, low-density residential development in the San Juan Hills area is appropriate only when it has been demonstrated that safe development can take place consistent with the policies of the General Plan and that adequate access, utilities, fire services and other essential services are available.

### **SITE CONDITIONS**

The project site is currently an undeveloped, unpaved road and path surrounded by naturally vegetated hillsides on three sides, and by low-density hillside residential development on the fourth side. The project site affords panoramic views of the San Juan Hills, San Juan Canyon and Sugarloaf Mountain in San Mateo. The viewshed includes both developed hillsides and canyon areas, and heavily vegetated natural areas.

### **PRIOR ACTIONS**

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The original application for a Hillside Roadway Segment was submitted in October 2000. At that time, the plan consisted of an approximate 120-foot extension of Monte Cresta Drive, an 80-foot driveway leading to the vacant property north of the segment. Driveway aprons were proposed for the existing lots south of the roadway; however, potential for specific development on those properties was not contemplated.

The original application was deemed incomplete due to a number of outstanding issues. One of the primary issues referred to the San Juan Hills Area Plan or Municipal Code Section 7-13 requires the proposed plan to provide an overall improvement plan along the entire unimproved road to a point where there is a physical constraint that makes further road segments infeasible or undesirable. Examples of such constraints are extremely steep slopes and areas categorized as having a deep landslide (MD) area.

Over the next three years, the applicant resubmitted the roadway segment plan proposal, including a September 2001 submittal consisting of a full-length 1800-foot "through-road" connecting Monte Cresta Drive at its southern terminus in the 2800 block (at Barclay Way) north to the northern terminus at the 2900 block (near Alhambra). The application submitted for the through-road plan included a geotechnical investigation (Attachment 6) that supported the proposal. The applicant submitted the current 104-foot road segment configuration in November 2002.

At the December 20, 2005 Planning Commission meeting, an initial staff report was presented, the public hearing was opened and comments received. The public hearing was continued until additional information and responses to questions could be researched and returned to the Commission.

## **SUBMITTAL REQUIREMENTS**

According to Section 7-13(e)(9) of the Municipal Code, improvement plans for unimproved roads are required to ensure adequate emergency access, public safety and drainage improvements. The City requires an approved road improvement plan prior to granting a building permit for a new structure or enlargement of an existing structure on property accessible only from an unimproved road. The road improvement plan must specify the design and financing of road improvements for either (1) an entire unimproved road, or (2) an unimproved segment on which the property is located. Plan requirements for a road segment include the eleven requirements for a through-road, plus two additional requirements. The eleven requirements are as follows:

1. A plan for grading prepared by a registered civil engineer meeting specifications set by the Director of Public Services. The plan must provide sufficient detail to show clearly the extent and impact of proposed grading, including the limits of the area to be graded; locations, dimensions and slopes of cuts and fills; existing and proposed finished grade; location and heights of proposed retention systems; proposals for drainage and erosion control.

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*STATUS: Received.*

2. Design for road improvements meeting the standards of this ordinance [subsection].

*STATUS: Received.*

3. Report signed by a licensed geotechnical engineer, based on geologic and geotechnical investigation of the alignment and review of the preliminary design, concluding that the proposed road will be geologically stable as per Section 7-12(d).

*STATUS: Received.*

4. Details of proposed method of financing road improvements, such as assessment district, reimbursement agreement or other mechanism.

*STATUS: Received an estimate for construction of the road, and the applicant has stated that the road construction would be financed privately.*

5. Timetable for undertaking the road improvements.

*STATUS: Not received.*

6. Method of financing and plan for maintenance of the road, if it is to be maintained as a private road.

*STATUS: Not applicable. The proposed road will not be a private road.*

7. Estimation of need for on-street parking and means of providing it (such as providing parking bays and additional off-street parking), if the proposed road design does not include parking lane on both sides.

*STATUS: Parking lanes are proposed on both sides of the road segment.*

8. Topographic map showing how access can be provided to abutting properties.

*STATUS: Received.*

9. Evidence of support for the project from owners of property abutting the road proposed for improvement.

*STATUS: The applicant has provided evidence of support from the two other property owners that would receive fully-improved street frontage along the road segment, but not the fourth lot that would be provided approximately 12 feet of frontage at the west end of the Monte Cresta road segment extension.*

10. Environmental checklist and other required environmental data.

*STATUS: Received and reviewed pursuant to the California Environmental Quality Act (CEQA)*

11. If the proposal is for a cul-de-sac, a conclusion, supported by the fire chief, that the proposed cul-de-sac length and turnaround design are adequate for emergency services.

*STATUS: Not applicable. The proposal does not include a cul-de-sac.*

A plan for an unimproved road segment between an existing paved road and an area where physical constraints, such as very steep slopes or geologic instability, effectively preclude construction of a through connection is required to provide all items required in a plan for an entire unimproved road, plus the following two requirements:

1. A report signed by a licensed geotechnical engineer concluding that the physical constraints are such that a stable road cannot be reasonably constructed through to a paved road. The report must describe the specific constraints precluding a through road and evaluate the impacts and costs of methods of overcoming the constraints through removal or engineering solutions.

*STATUS: The applicant's submittal was inconclusive and potentially inconsistent (see pg. 18 for further discussion). The applicant has provided statements consistent with the aforementioned requirement from the applicant's geotechnical engineer (dated September 18<sup>th</sup> and December 22<sup>nd</sup> 2002). However, evidence of the cost evaluation of the through-road proposal and the impacts of overcoming any constraints were not submitted for review.*

2. A plan with recommendations regarding access to properties abutting the part of the road which will not be improved under the proposed project, including evidence of support for the recommendations from affected property owners.

*STATUS: Staff is treating the 1800-foot through-road plan previously submitted as a response to the requirement for recommendations regarding access. Upon further review, Staff does not recommend basing a recommendation of denial solely on the basis of evidence of support from all affected property owners along the through-road route.*

## **PUBLIC COMMENTS/RESPONSES**

Public comments made at the December 20, 2005 Planning Commission meeting generally expressed the following concerns:

- Analysis of entire road segment required
- Inconsistent findings from applicant's geotechnical engineer
- Incremental road extension is inconsistent with the San Juan Hills Area Plan

The concerns addressed by the public at the December 20, 2005 Planning Commission meeting are analyzed in subsequent sections of this report.

## PLANNING COMMISSION COMMENTS

At the December 20, 2005 Planning Commission meeting, the Commissioners commented on the proposal and posed questions to Staff. What follows is a synopsis of those questions and relevant responses.

### **Ambiguity of Policy 10 in San Juan Hills Area Plan**

**STAFF RESPONSE:** Policy 10 of the Infrastructure section of the San Juan Hills Area Plan is crucial in the analysis of the proposed road segment. The policy requires property owners to resolve the design and financing of road improvements along the entire unimproved road on which their property is located prior to receiving a building permit for a new structure. Further discussion and Staff's suggested interpretation of Policy 10 is noted in a subsequent section of this report (see Page 11).

### **Q: Does the proposed cross-slope comply with the definition in Section 7-13(e)(3)(a)?**

**STAFF RESPONSE:** The proposed cross-slope information has been confirmed by the Public Works Department. *Cross slope* is the inclination of the ground surface across a road alignment expressed as a percent obtained by dividing vertical distance by horizontal distance. Cross slope is measured along a hundred-foot section drawn perpendicular to the contours and extending fifty (50) feet from each side of the center of the road alignment. The proposed cross slopes range from 12% to 33.3% and were calculated from a detailed engineering topographic map prepared by a registered civil engineer. This meets the requirements of Section 7-13(6): Table 2.

### **Q: What does "access" mean in Policy 10(b)(5) of the SJHAP?**

**STAFF RESPONSE:** The SJHAP policy states that a plan is required for improving a section of roadway between an existing paved road and an area where physical constraints make further road segments infeasible or undesirable. The plan shall include a number of items, including:

*"5. a plan for the access for properties located along the rest of the roadway which will not be served by the roadway section"*

Staff's interpretation of "access" in this context requires the access to remaining properties not served by the proposed segment to remain at the same level as the existing condition. For example, if only pedestrian access exists to the properties not served by this segment, then the proposal must allow pedestrian access to remain, at a minimum. In addition, access from the remaining properties to the road segment must also remain the same or better than the existing condition. As proposed, the same level of access to and from unimproved portions of Monte Cresta Drive would be required to remain if the segment were constructed.

### **Q: Need clarification on financing: Is it required for the whole road, or incremental road?**

**STAFF RESPONSE:** According to Section 7-13(e)(9)(a)(4), details of the proposed method of financing are required for the road improvement proposed. Since the proposal is for construction of a road segment, the financing required would coincide with the proposed segment. See finding (e) for further discussion of financing.

**Q: Could the extension lead to a 4<sup>th</sup> parcel on south end?**

**STAFF RESPONSE:** The proposed road segment terminates 12 feet past the westernmost property and could potentially provide access to a fourth parcel along the south side of Monte Cresta Drive. A large portion of that parcel contains a Potential Debris Flow (PDF) area that will require thorough geotechnical examination during the development review process, should the road segment be approved.

**Q: Are there sewer problems in Belmont?**

**STAFF RESPONSE:** According to the Public Works Department, the design engineer states that the sewer in the vicinity is at 7% slope design, which is adequate. The capacity in the area is sufficient for the lots that would be accessed via the road segment. The age, however, of the sewer lines is unknown. The nearest storm drain line is within the Barclay Way right-of-way.

**Q: What about water pressure?**

**STAFF RESPONSE:** Water capacity is adequate in the area, but the developer will need to submit a plan to the water district to verify. Fire pressure is adequate.

**Q: What is the square footage/floor area allowed for main lots?**

**STAFF RESPONSE:** Depending on the slope of the lots, the maximum allowable floor area allowed would be between 900 and 1,200 square feet. For the uphill property, through a lot consolidation, the maximum allowable floor area would be 3,000 square feet. Theoretically, the downhill lots could benefit from a Floor Area Transfer pursuant to Section 4.7.11(d)(2)(c) from a noncontiguous lot, but such a transfer is not considered with this application. Any development on the properties adjacent to the road segment would require Planning Commission approval, at a minimum.

**Q: Regarding Section II(c)(4)(d) on page 26 of the SJHAP: What is the correct interpretation of "sharing the load"?**

**STAFF RESPONSE:** Section II(c)(4)(d) of the San Juan Hills Area Plan discusses incremental road development in the Plan Area. Generally, the SJHAP discourages incremental road development. Specifically, the aforementioned section states that incremental road segments have created impediments to an overall resolution of area circulation problems. The section indicates, in part:

*"First, when incremental expansion occurs, the City is left without a plan for the physical design and financing of the rest of the road. Second, storm drainage problems have been created by incremental road extension. Third, incremental road development allows roads to be extended and lots to be incrementally developed, leaving fewer and fewer owners responsible for financing what is likely to be the most expensive part of the road. Finally, incremental development further reduces already constrained opportunities to redesign the lot and road pattern."*

From 1985 to 1990, the Plan required property owners of vacant lots on unimproved roads to provide the City with a plan for physical improvements and funding of the entire unimproved

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road before they would be granted a building permit for new development. During that period, incremental road improvement was essentially prohibited. Subsequent to the expiration of this requirement, the intent of the Plan continues to closely regulate incremental road development and requires applicants to provide enough information regarding the cost and design of the through-road scenario to determine if such physical constraints preclude the through-road.

**Q: Has the applicant met finding (e) of Section 7-13(e)(10)(e) regarding maintenance?**

**STAFF RESPONSE:** The applicable section states:

*“The applicants have demonstrated that adequate financing is available to construct and maintain the road as proposed”*

Construction of the road segment project, if approved, would be privately financed; the City, however, would be required to accept the street once it has been constructed. Acceptance of the street would include any retaining walls and any utilities included in the right-of-way, and the City would also accept ongoing maintenance of the street. The City would incur perpetual maintenance costs for all improvements within the 50-foot Monte Cresta Drive right-of-way. This would include maintenance of storm drainage facilities, retaining walls, paving and sidewalk. Street maintenance would be funded via the City’s Street Maintenance Fund.

**Q: Is an open-ended road, with no cul-de-sac, a problem?**

**STAFF RESPONSE:** The South County Fire Authority and the Public Works Department have reviewed the proposed plans and have not required construction of a cul-de-sac.

**Q: How much financial obligation?**

**STAFF RESPONSE:** The applicant has not provided cost estimates for the through-road option. Section 7-13(9)(b)(1) of the Belmont Municipal Code requires that a through-road be evaluated, including the impacts and costs of the methods proposed to overcome the physical constraints present that effectively precludes a through-road connection. Without the cost estimates, Staff cannot determine if a through-road can reasonably be constructed.

**Q: What is required of seismic/environmental?**

**STAFF RESPONSE:** The environmental review has been completed on the 104-foot segment. After considering all of the potential environmental impacts associated with the project, a Mitigated Negative Declaration was prepared, circulated, comments collected and responded to via an Addendum to the Initial Study and Mitigated Negative Declaration.

**Q: When was existing Monte Cresta constructed?**

**STAFF RESPONSE:** In the early 1970’s, during the period of residential development in the area. All View Drive was constructed in the 1950’s.

**PROJECT ANALYSIS**

### **Environmental Review**

The Hillside Road Improvement Plan is subject to review in accordance with the California Environmental Quality Act, which guides the City in evaluating a project's impacts on the physical environment. Under CEQA, the road segment improvement plan is considered a "project" and is subject to a determination of environmental impact prior to final action.

In April 2005, an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration were circulated for public review. During the 30-day public review and comment period, 30 letters and e-mails were received commenting on the Initial Study and Notice of Intent (See Attachment 4). Those commenting on the CEQA documents were primarily neighbors of the project or residents in the vicinity. The environmental consultant retained to conduct the CEQA review identified 15 separate CEQA-related issues raised by the public comments. The documents were also sent to the Governor's Office of Planning and Research – State Clearinghouse, whose function is to coordinate the state level review of environmental documents. There were no agencies providing comments on the environmental documents. Subsequent to receipt of comments during the review period, the environmental consultant provided responses to comments. A copy of the Initial Study, Notice of Intent, public comments, and Responses to Comments are attached (see Attachment 3).

### **FINDINGS**

To adopt a hillside road improvement plan, the Planning Commission must make a recommendation to the City Council regarding each of the following findings pursuant to Section 7-13(e)(10) of the Belmont Municipal Code:

- a. The road improvement plan is consistent with the purposes and policies of the San Juan Hills Area Plan; and,
- b. The proposed project provides for safe vehicular and pedestrian movement; and,
- c. The road has been designed to minimize grading and vegetation removal to the extent feasible; and,
- d. Drainage, erosion control and slope stability have been fully addressed in the design of the road improvements; and,
- e. The applicants have demonstrated that adequate financing is available to construct and maintain the road as proposed; and,
- f. Access to abutting properties has been adequately considered in the design of the road improvements; and,
- g. If the project is for a cul-de-sac, the length and turnaround design are appropriate and consistent with emergency access requirements; and
- h. If the plan is for an unimproved road segment, the City Council must have made all of the above findings in the affirmative, plus:
  1. A stable, safe, through road cannot be reasonably constructed because of physical constraints; and,
  2. Recommendations for access to properties abutting the part of the road which would not be improved under the plan are reasonable and consistent with the purposes and policies of the San Juan Hills Area Plan.

All findings must be made in the affirmative to approve the Hillside Roadway Improvement Plan.

### **Discussion of Findings**

**a. The road improvement plan is consistent with the purposes and policies of the San Juan Hills Area Plan.**

The San Juan Hills Area Plan establishes policies for unimproved roadways in subdivided areas. The following is an analysis of the project's conformance with specific Area Plan road policies not related to geology. A discussion of the project as it relates to geological policies of the Area Plan is located in a subsequent section of this report.

#### *San Juan Hills Area Plan Applicable Policies*

*Land Use and Site Development Standards – Goal 3: Minimize Buildout of Vacant Subdivided Land on Unimproved Roads.* This goal would minimize development in areas where buildout is geologically hazardous, would require major road segments and improvement and would degrade natural resources and public views.

The proposal would extend Monte Cresta Drive by 104 feet from its current terminus off of Barclay Way. Two major areas of geologically unstable soil, identified as a Potential Debris Flow (PDF) area on the San Juan Hills Ground Movement Potential Map, are located approximately 12 feet and 135 feet from the proposed road segment terminus. The uphill lot of the three lots provided with access from the road segment contains a geologically hazardous condition (PDF) in the northwest corner of the site. Public views, depending on the site design of the downsloping lots, may be affected by development. Specific view analysis would be required at the time of design review for the individual properties, if the road segment were approved.

*Infrastructure - Policy 9: Minimize Road Improvements to Protect Natural Resources.* This policy encourages avoidance of steep slopes, stands of substantial trees and creeks/riparian corridors in order to minimize road improvements to protect natural resources. The proposed roadway is sized and located to minimize its effects on steep slopes, avoids most trees and does not cross any creeks or riparian corridors. No protected trees would be removed with development of the proposed road segment; however, related construction may impact one protected 13-inch DBH coast live oak.

*Infrastructure - Policy 10: Require Overall Road Improvement, Plans and Financing Prior to Granting any Building Permits on Unimproved Roads.* This policy requires property owners to resolve design and financing of road improvements along the

entire unimproved road on which their property is located prior to receiving a building permit for a new structure or enlargement of an existing structure.

The applicant is governed by Policy 10 of the SJHAP, which requires the following: 1) A roadway design plan; 2) Evidence that the road will be geologically safe, 3) A method and timetable for financing of the road improvements, 4) A method and financing for maintenance of the road, if the road is to be maintained as a private road; 5) A plan to access properties located along the rest of the unimproved road, and 6) Evidence of support by the affected landowners.

Evidence that the road segment will be geologically safe was submitted through numerous geotechnical studies of the 104-foot segment from the applicant's geotechnical engineer and the City's contract peer reviewer. Although the applicant has submitted an estimate from a construction company for approximately \$152,426 to construct the incremental segment, a method and timetable for the financing has not been submitted. The applicant has indicated that the project would be privately financed. A method and financing for maintenance of the road is not required, because the proposed segment would not be a private road and City funds would be required to maintain the road in perpetuity. A plan for access to properties located along the unimproved roadway, however, was required and has been submitted. This plan would not reduce the amount of access to the remainder of the roadway; it is currently accessible to pedestrians, but is not wide enough to accommodate vehicular access. Evidence of support by the affected landowners has not been submitted. Staff does not recommend denial based solely on such evidence.

#### *Incremental Road Extension*

The San Juan Hills Area Plan (SJHAP) provides guidance discouraging incremental road development. Of the issues discussed in the SJHAP regarding incremental road development, plans for the physical design and financing of a through-road are not provided for the City's evaluation. In addition, the SJHAP finds that construction of road segments has created storm drainage problems through the increase in impermeable surfaces and the provision of permanent structures such as retaining walls in the right-of-way. The SJHAP also finds that incremental road development allows roads to be extended and for lots to be incrementally developed, leaving fewer and fewer property owners responsible for financing "...what is likely to be the most expensive part of the road" (pg. 26, SJHAP). Finally, incremental development "...further reduces already constrained opportunities to redesign the lot and road pattern" (p. 26, SJHAP).

#### **This finding cannot be made in the affirmative.**

- b. The proposed project provides for safe vehicular and pedestrian movement.**

The proposed road design provides adequate vehicular and pedestrian movement, providing a new sidewalk along the south side of the roadway segment. As proposed, the road segment would provide access to up to, potentially, four houses. The South County Fire Authority has reviewed the project plans and has expressed no concerns regarding emergency access to the site.

The segment would include parking lanes on both sides of the roadway, increasing the provision of on-street parking.

**This finding can be made in the affirmative.**

**c. The road has been designed to minimize grading and vegetation removal to the extent feasible.**

The segment of Monte Cresta Drive, as proposed, would require upslope and downslope retaining walls ranging from 2 to 6 feet in height. The segment would provide access to three potential residential development sites. The estimated amount of grading would be a balanced cut and fill of 196 cubic yards. The improved width of the proposed road segment is 39 feet, consisting of two 10-foot wide travel lanes, two 5.5-foot wide parking lanes, two 2-foot wide curbs and gutters and one 4-foot wide sidewalk. The suggested design standard identified in Section 7-13(e)(6) for roadways with a cross slope of 21-30% is 38 feet, with the same standards as proposed, with the exception a 3-foot sidewalk.

With respect to vegetation removal, a biological resources assessment was prepared for an approximate one-acre area that included the road segment area and the three potential residential development sites. In addition, the City Arborist surveyed the project site and provided a report (see Attachment 5). The biological resources assessment stated that the predominant vegetation type on site is non-native grassland. However, evidence of Silver lupines was found and suitable larval host plants for the Federally-listed endangered subspecies the Mission Blue butterfly are present within the vicinity of the road segment (on two of the four parcels parcels potentially accessed by the road segment). The presence of the host plants cannot rule out the presence of the butterfly. A mitigation measure was included to the draft Mitigated Negative Declaration that would protect the Silver lupine plants during construction.

According to the City Arborist, the development plan for the proposed roadbed would not result in the removal of any trees protected by the Belmont Tree Ordinance. However, proposed hillside area work above the proposed roadway could impact a single protected coast live oak of 13-inch diameter. Three protected and two unprotected coast live oaks on the two downslope lots could potentially be affected by future residential development on the lots. Specific mitigation measures to protect existing oaks in the vicinity of the road segment have been included in the Mitigated Negative Declaration prepared for this project.

**This finding can be made in the affirmative.**

**d. Drainage, erosion control and slope stability have been fully addressed in the design of the road improvements.**

Many of the specific drainage, erosion control and slope stability measures have not been submitted as part of the road segment improvement plan application. While drainage, erosion control and slope stability are often fully addressed at the time of permit issuance, the BMC requires such matters to be addressed at the time of application submittal.

Mitigation measures to control runoff and drainage are included in the Mitigation Monitoring Program for the proposed road improvement plan. The applicant's geotechnical report suggests energy dissipators such as rip-rapped stilling basins may be required to reduce erosion where drains or culverts discharge into drainage ways. Furthermore, a Stormwater Pollution Prevention Plan must be prepared for review and approval by the City's Public Works Department prior to issuance of permits to prevent pollutants from entering the City's stormdrain system.

Section 7-12 of the Belmont Municipal Code requires a determination of geotechnical hazards and preparation of geotechnical reports for proposed development activities in the San Juan Hills are prior to issuance of a building or grading permit. The area involved in the proposed hillside road improvement plan has been evaluated on numerous occasions through geotechnical investigations conducted by licensed geotechnical engineers. These reports have been peer-reviewed by the City's consulting geotechnical engineer as well as by a geotechnical engineer retained by concerned neighbors (Attachment 8). In addition, over-excavation of the existing loose soils, subgrade preparation and placement of engineered fill under the roadway would eliminate any hazards associated with potentially expansive soil. This mitigation is recommended by the applicant's geotechnical engineer.

*San Juan Hills Area Plan Applicable Policies*

*Geologic Hazards - Policy 5: Mitigate Geologic Hazards Poising a Moderate Hazard to Road Development.*

According to the applicant's geotechnical engineer, with confirmation by the City's geotechnical engineer through peer review, the proposed roadway segment is geotechnically feasible with utilization of appropriate geotechnical design criteria. As confirmed in the Initial Study, the proposed project, as mitigated, should not expose people or structure to potential substantial adverse impacts resulting from fault rupture, ground shaking, seismic ground failure, landslides, expansive soil or erosion.

However, a supplemental geotechnical investigation and geotechnical plan review is required prior to issuance of permits, should the project be approved.

*Infrastructure – Policy 9: Minimize Road Improvements to Protect Natural Resources.*

The proposed 104-foot segment of Monte Cresta Drive would not extend into the adjacent areas of moderate to critical geologic hazard (identified as PDF). As noted in the attached City Arborist's report, no protected or unprotected trees would be removed as part of the road construction. However, certain protected and unprotected trees may be affected by eventual development on the residential lots or during roadway construction. Mitigation measures to protect these trees are required. Tree permits would be required at the time of residential development, and site-specific mitigation would be evaluated at that point.

Because drainage, erosion control and slope stability have not been fully addressed in the design of the road improvements and therefore not evaluated by Staff, **this finding cannot be made in the affirmative.**

- e. **The applicants have demonstrated that adequate financing is available to construct and maintain the road as proposed.**

*San Juan Hills Area Plan Applicable Policies*

*Infrastructure – Policy 10: Require Overall Road Improvement, Plans and Financing Prior to Granting any Building Permits on Unimproved Roads.*

The road segment is considered a public right-of-way and would not be a private drive. Therefore, perpetual maintenance would be the responsibility of the City of Belmont upon acceptance of the completed right-of-way. The applicant has provided the proposed plans and financing mechanisms for the Monte Cresta Drive road improvement plan. The applicant intends to self-finance the design, permitting, inspection and construction of the roadway and enter into reimbursement agreements with the two property owners gaining access to their properties from the road segment. At this time, copies of the reimbursement agreement have not been submitted for review and adequacy cannot be determined. However, the applicant would fund all costs associated with construction and present the roadway to the City for acceptance upon completion. The estimate submitted by the applicant for construction of the roadway is \$152,426 (see Attachment 16). Other costs associated with completing a road to City standards, such as landscaping and irrigation, would be the responsibility of the applicant.

**This finding can be made in the affirmative.**

**f. Access to abutting properties has been adequately considered in the design of the road improvements.**

The project plans include provision of driveway access to the three undeveloped lots abutting the road segment. On the two downhill lots located on the south side of the roadway, the two driveways would require construction of walls to support the driveway structures. The proposed walls, range from seven feet to twelve feet in height. In addition, the provision of the driveways would threaten or cause removal of three protected and two unprotected coast live oak trees. Mitigation and a tree permit would be required.

On the uphill lot abutting the road segment, a long driveway traversing the upsloping hill is proposed. The purpose of this proposed design is to minimize grading and height of retaining walls. The maximum height of retaining walls proposed for this driveway is two feet. Portions of the driveway would encroach approximately 53 linear feet into the Monte Cresta Drive right-of-way, due to its gently upsloping design.

The proposed segment, however, extends west to provide a potential access to a fourth lot along the south side of the segment. This 12-foot long section of roadway, and its potential to provide access to a future driveway, has not been evaluated. There is concern regarding this lot, because most of the lot is included in an area of a previously-discovered PDF (Potential Debris Flow) geotechnical condition. Because the applicant has not evaluated access to this potential fourth lot, **this finding cannot be made in the affirmative.**

**g. If the project is for a cul-de-sac, the length and turnaround design are appropriate and consistent with emergency access requirements.**

The project will not create a cul-de-sac. The existing terminus of Monte Cresta Avenue is a cul-de-sac bulb design, a portion of which would remain if the road segment is constructed. The South County Fire Authority has reviewed the plans and has expressed no concerns regarding emergency access to the site. However, the project would be conditioned to meet specific requirements prior to issuance of permits.

**This finding can be made in the affirmative.**

**h. If the plan is for an unimproved road segment, the City Council must have made all of the above findings in the affirmative, plus:**

- 1. A stable, safe, through road cannot be reasonably constructed because of physical constraints; and,**
- 2. Recommendations for access to properties abutting the part of the road which would not be improved under the plan are reasonable and consistent with the purposes and policies of the San Juan Hills Area Plan.**

The applicant has previously submitted plans for consideration of a through-road of Monte Cresta Drive, from the Barclay terminus to the Alhambra terminus. The geotechnical investigation conducted by Earth Mechanics Consulting Engineers (the applicant's geotechnical consultant), dated October 18, 2001, states the following on page 3 regarding the 1800-foot through-road extension of Monte Cresta Drive:

*“On the basis of our site reconnaissance, field exploration program and literature review, we conclude that the site is suitable for support of the proposed road extension.”*

However, both Michelucci & Associates (the neighbor's geotechnical consultant – Attachment 8) and the City's geotechnical consultant (Attachment 9) raised additional issues with the through-road proposal that were not later addressed, because the applicant submitted a subsequent proposal for a road segment only.

The applicant's geotechnical consultant, Earth Mechanic Consulting Engineers, concluded that the through-road proposal was possible and supported, submitted a subsequent report dated September 18, 2002 (Attachment 10), which concluded the following:

*“We conclude that the physical constraints are such that a stable road cannot be reasonably constructed through to a paved road. The specific constraints precluding the reasonably economic construction of the road are the potential debris flow areas described above. In our opinion, the cost to mitigate the potential debris flow areas so that the road could be built would impose an economic hardship on the property owner.”*

There is, therefore, a discrepancy between the two geotechnical reports submitted by the applicant's geotechnical consultant. The applicant has failed to demonstrate a through-road cannot reasonably be constructed because of physical constraints.

**This finding cannot be made in the affirmative.**

## CONCLUSION AND RECOMMENDATION

Based on the foregoing analysis, staff recommends the Planning Commission take the following action:

1. Direct staff to prepare a resolution with findings recommending City Council **denial** of the requested:
  - Mitigated Negative Declaration
  - Hillside Roadway Improvement Plan

## ACTION ALTERNATIVES

1. Continue the review to a date certain in order to appropriately assess the material.
2. Direct staff to prepare a Resolution recommending City Council **approval** of the Mitigated Negative Declaration and Hillside Roadway Improvement Plan. The Commission will identify specific facts to support an approval, and the Resolution would be returned to the Commission for adoption.

## ATTACHMENTS

1. 500-foot Radius Map
2. Project Location Map
3. Initial Study and draft Mitigated Negative Declaration, Biological Assessment, Addendum and Mitigation Monitoring Program prepared by Grasseti Environmental Consulting – Commission Only
4. Public Comments submitted during Public Review period pursuant to CEQA – Commission Only
5. Arborist Report (December 27, 2004), prepared by Walter Levison – Commission Only
6. Geotechnical Report (October 18, 2001), prepared by Earth Mechanics Consulting Engineers: 1800-foot through-road proposal – Commission Only
7. Geotechnical Consultation (October 22, 2001), prepared by Earth Mechanics Consulting Engineers: 1800-foot through-road proposal – Commission Only
8. Geotechnical Consultation (December 18, 2001), prepared by Michelucci & Associates, Inc.: 1800-foot through-road proposal – Commission Only
9. Geologic and Geotechnical Review (January 23, 2002), prepared by Cotton Shires & Associates: Peer review of 1800-foot through-road proposal – Commission Only
10. Geotechnical Consultation (September 18, 2002), prepared by Earth Mechanics Consulting Engineers: 1800-foot through-road proposal – Commission Only
11. Geotechnical Consultation (December 22, 2002), prepared by Earth Mechanics Consulting Engineers: Response to specific geotechnical data requests from CDD – Commission Only
12. Geotechnical Update Letter (August 16, 2004), prepared by Earth Mechanics Consulting Engineers: Confirms past reports and findings – Commission Only

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13. Geotechnical Review (May 10, 2005), prepared by Cotton Shires & Associates: – Commission Only
14. Construction Estimate (January 8, 2004), prepared by Shade Construction & Engineering, Inc. (SCE) – Commission Only
15. Road Improvement Plans (dated 09/26/03, 03/03/05 and 11/11/05) – Commission only
16. Monte Cresta Feasibility Study by LTI (dated 10/22/04) – Commission only
17. December 20, 2005 Planning Commission Meeting Minutes – Commission only

Respectfully submitted,

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Consulting Planner

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Gilbert Yau, PE  
Senior Civil Engineer

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Carlos de Melo  
Community Development Director

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